

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

V.

NO. 4:15CV-181-JM

UNITED PAIN CARE, LTD. d/b/a
UNITED PHARMACY and MAHMOOD AHMAD, M.D.

DEFENDANTS

ANSWER

Defendants, for their answer to the complaint of plaintiff, state:

1. They admit the allegations of paragraph 1.
2. They admit the allegations of paragraph 2.
3. They admit the allegations of paragraph 3.
4. They admit that defendant Ahmad operated defendant United Pain Care, Ltd.

They deny that Dr. Ahmad or United Pain Care, Ltd. was the registrant of United Pharmacy.

They admit that the entities were located at 7841 Warden Road, Sherwood.

5. They deny the allegations of paragraph 5.
6. They deny the allegations of paragraph 6.
7. They deny the allegations of paragraph 7.
8. They deny the allegations of paragraph 8.
9. 21 U.S.C. §842 (a) (5) is unconstitutional on its face and as attempted to be

applied in this case. That section purportedly applies to “any person.” It is not limited to any person who is responsible for record keeping under the act - it just applies to any person. But, it cannot constitutionally be applied to a person who has no record keeping responsibility under the

act, which it purportedly does.

10. Defendant Ahmad cannot be liable because he did not dispense drugs controlled under the Act nor did he direct the dispensing of such drugs.

11. Defendants demand a trial by jury.

WHEREFORE, having fully answered, defendants pray that the complaint be dismissed, for their costs, fees and all other proper relief.

Respectfully submitted,

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BY:/s/ Timothy O. Dudley

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which shall send notification of such filing to the following:

shannon.smith@usdoj.gov

BY:/s/ Timothy O. Dudley